



Docket No. 1919/60390-IA/JPW/GJG/ML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arlindo L. Castelhana et al.
Serial No.: 10/718,280
Filed : November 20, 2003
Title : COMPOUNDS SPECIFIC TO ADENOSINE A₁ RECEPTOR
AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner OSI Pharmaceuticals, Inc., having a place of business at 41 Pinelawn Road, previously 58 South Service Road, Suite 110, Melville, NY 11747, the sole assignee of record of the entire right, title, and interest in and to the above-identified application by virtue of an Assignment from Arlindo L. Castelhana, Bryan McKibben and David J. Witter to OSI Pharmaceuticals, Inc. recorded on April 3, 2002 at Reel 012791, Frames 0075-0078 in the parent of the subject application, copy of which is attached hereto as **Exhibit A** hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on commonly assigned U.S. Patent Application No. 10/497,451. Petitioner hereby agrees that any patent

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Exhibit I

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granted on the subject application shall be enforceable only for and during such period that such patent and any patent granted on U.S. Patent Application No. 10/497,451 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors and assigns.


In making the above disclaimer, petitioner does not disclaim the terminal portion of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on U.S. Patent Application No. 10/497,451 in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I certify that I have reviewed the attached Assignment, and that, to the best of my knowledge and belief, OSI Pharmaceuticals, Inc. has the entire right, title and interest in and to the subject application. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of OSI Pharmaceuticals, Inc. as indicated.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

OSI PHARMACEUTICALS, INC.

Date: 10/17/07 By: 

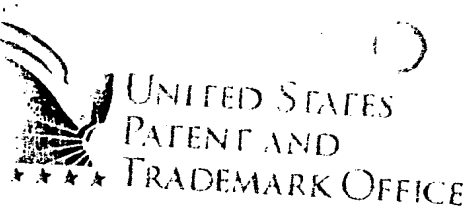
Michael Rafa, Esq.
Chief Patent Counsel

EXHIBIT A

Applicant: Arlindo L. Castelhana et al.

Application Serial No.: 10/718,280

Filed: November 20, 2003

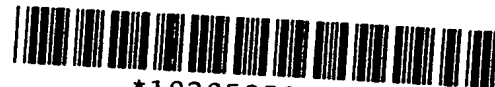


JUNE 13, 2002

COOPER & DUNHAM LLP
JOHN P. WHITE, ESQ.
1185 AVENUE OF THE AMERICAS
NEW YORK NEW YORK 10036

PTAS

Chief Information Officer
Washington, DC 20540
www.uspto.gov



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/03/2002

REEL/FRAME: 012791/0075
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
CASTELHANO, ARLINDO L.

DOC DATE: 03/11/2002

ASSIGNOR:
MCKIBBEN, BRYAN

DOC DATE: 02/22/2002

ASSIGNOR:
WITTER, DAVID J.

DOC DATE: 03/11/2002

ASSIGNEE:
OSI PHARMACEUTICALS, INC.
58 SOUTH SERVICE RD.
MELVILLE, NEW YORK 11747

SERIAL NUMBER: 10000280
PATENT NUMBER:

FILING DATE: 11/30/2001
ISSUE DATE:

Applicants: Arlindo L. Castelhana et al.
Serial No.: 10/718,280
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PEARLENE FOSTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Assignment

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the undersigned,

Arlindo L. Castelhana, residing at 3 Eagle Court, New City, New York, 10579,
Bryan McKibben, residing at 15 Greenridge Avenue, Apt. 8, White Plains,
New York 10605 and
David J. Witter, residing at 12 Arbutus Road, Putnam Valley, New York 10579

Hereby sell, assign and transfer to OSI Pharmaceuticals, Inc.

a corporation of the State of

Delaware having a place of business at 58 South Service Rd., Melville,

NY 11747 in the County of Suffolk and State of New York

its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all inventions which are disclosed and claimed, and any and all inventions which are disclosed but not claimed, in the application for United States Patent, which has been executed by the undersigned on

March 11, 2002

and is entitled

February 22, 2002

March 11, 2002

COMPOUNDS SPECIFIC TO ADENOSINE A₁ RECEPTOR AND USES THEREOF

(U.S. Serial No. 10/000,280, filed November 30, 2001, claiming benefit of U.S. Provisional Application No. 60/250,895, filed December 1, 2000)

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said application; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Authorize and request the Commissioner of Patents of the United States to issue to said Assignee, the corporation above named, their successors, assigns and legal representatives, in accordance with this assignment, any and all United States Letters Patent on said inventions or any of them disclosed in said application;

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: March 11 2002

Witness: Noel Fitzgerald

Nicole Fitzgerald

St Linden St

Yonkers, NY 10701

Arlindo L. Castelhan [U.S.]
Arlindo L. Castelhan

Date: 2/22 2002

Witness: Noel Wilson

Noel Wilson

900 RIDGEBURY DR.

RIDGEFIELD, CT 06877

Bryan McKibben [U.S.]
Bryan McKibben

Date: 3/11/02 20
Witness: Nicole Fitzgerald (signature)
Nicole Fitzgerald (printed name)
86 Linden St (address)
Yonkers, NY 10701

David J. Witter [L.S.]
David J. Witter

ASSIGNMENT
BY

ARLINDO L. CASTELHANO
BRYAN MCKIBBEN
DAVID J. WITTER

TO

OSI PHARMACEUTICALS, INC.

Application for Letters Patent
of the United States for:
COMPOUNDS SPECIFIC TO ADENOSINE A₁
RECEPTOR AND USES THEREOF

Attorney ~~for~~ John P. White

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
212-278-4400
